

AMENDED IN ASSEMBLY MAY 7, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 2178**

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**Introduced by Assembly Member Levine**

February 20, 2014

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An act to ~~amend Section 33052.5 of, and to add and repeal Chapter 8.7 (commencing with Section 52280) of Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2178, as amended, Levine. Pupil instruction: Blended Learning Pilot Program.

~~(1) Existing~~

*Existing* law establishes an adopted course of study for pupils in grades 1 to 6, inclusive, and in grades 7 to 12, inclusive.

This bill would establish, commencing with the 2015–16 school year and continuing through the 2017–18 school year, the Blended Learning Pilot Program, to be administered by the State Board of Education for the purpose of exploring various models of innovation and documenting best and promising practices in ~~the emerging educational delivery model known as~~ blended learning, ~~as specified.~~ *defined. The bill would authorize school districts, county offices of education, charter schools, or charter school management organizations to apply to the state board to participate in the pilot program, would require the state board to select 20 to 30 schools to participate in the program based on specified application criteria, and would authorize the state board to solicit and receive grants from private entities for purposes of funding the*

administration of the pilot program. The bill would require the Superintendent of Public Instruction to contract with an educational research organization to study the pilot program, and to submit the results of the study to the state board no later than September 28, 2017. The bill would require the state board, no later than December 31, 2018, to submit a report to the Legislature on the results of the pilot program, as specified.

~~(2) Existing law authorizes the governing board of a school district or a county office of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the state board to waive all or part of any section of the Education Code or any regulation of the state board that implements a provision of the Education Code that may be waived, except as specified.~~

~~This bill additionally would authorize a charter school to request the state board to waive all or part of any section of the Education Code or any regulation of the state board that implements a provision of the Education Code that may be waived, except as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Significant educational innovations are occurring throughout
- 4 the state in the emerging area of blended learning.
- 5 (b) School districts, county offices of education, and charter
- 6 schools are offering a blended approach that integrates more
- 7 effective in-person instructional strategies with access to
- 8 technology-enabled learning opportunities inside and outside of
- 9 traditional classrooms.
- 10 (c) Early results are showing that a blended learning
- 11 environment can improve pupil achievement, particularly for those
- 12 pupils with the greatest needs.
- 13 (d) These programs, however, are not well-supported by the
- 14 existing statutory and regulatory structure that was designed for
- 15 programs to operate either as fully traditional seat-time or fully
- 16 independent study.

1 (e) Constraints placed on blended learning programs limit their  
2 ability to further innovate and better serve the highest-need pupils.

3 (f) Changes are needed to ensure both school districts and charter  
4 schools may expand innovation of blended learning models.

5 ~~SEC. 2. Section 33052.5 of the Education Code is amended to~~  
6 ~~read:~~

7 ~~33052.5. For purposes of this article, “school district” shall~~  
8 ~~include county offices of education and charter schools.~~

9 ~~SEC. 3.~~

10 SEC. 2. Chapter 8.7 (commencing with Section 52280) is added  
11 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

12  
13 CHAPTER 8.7. BLENDED LEARNING PILOT PROGRAM

14  
15 52280. For purposes of this chapter, the following terms have  
16 the following meanings:

17 (a) “Blended learning” means a formal education program in  
18 which a pupil learns at least in part through online delivery of  
19 content and instruction with some element of pupil control over  
20 time, place, and pace and at least in part at a supervised location  
21 away from home.

22 (b) “Pilot program” means the Blended Learning Pilot Program  
23 established pursuant to this chapter.

24 52281. (a) The Blended Learning Pilot Program is hereby  
25 established and shall be administered by the state board to explore  
26 various models of innovation and document best and promising  
27 practices in the emerging educational delivery model known as  
28 blended learning.

29 (b) Commencing with the 2015–16 school year, the pilot  
30 program shall operate for three school years. The state board shall  
31 establish an application process and timeline to ensure pilot  
32 program participants are selected and applicable waivers are  
33 approved before the commencement of the 2015–16 school year.

34 (c) The state board may solicit and receive grants from private  
35 not-for-profit foundations and organizations for purposes of  
36 funding the administration of the pilot program.

37 52282. (a) A school district, county office of education, charter  
38 school, or charter school management organization may apply to  
39 the state board to participate in the pilot program. A single  
40 applicant may ~~include~~ *apply on behalf of* more than one school if

~~each school in a single application shares a common educational model and administrative structure. school.~~

(b) Each application shall be submitted to the state board in writing and, at a minimum, shall include all of the following:

(1) A written proposal describing the blended learning program offered by the applicant and the specific pupil population served by the applicant.

~~Evidence~~ *If the applicant is currently operating a blended learning program, evidence* of the applicant's track record of success in operating a blended learning program.

(3) Evidence of the applicant's track record of success in serving the target pupil population, and particularly in closing the achievement gap for high-need pupils, including English learners, pupils living in poverty, foster youth, and other pupil subgroups identified as underperforming.

(4) The applicant's plan for documenting and reporting to the state board on its ~~promising~~ practices and pupil outcomes during the term of the pilot program, including specific educational goals and outcomes that align with the applicant's local control and accountability plan, adopted pursuant to Article 4.5 (commencing with Section 52060) of Chapter 6.1.

(5) A description of any partnerships the applicant has developed with individuals and organizations outside of the applicant organization, including, but not limited to, blended learning policy and research entities, academic institutions, educational technology experts, community organizations, and local employers.

(6) Evidence of support for the application by individuals and organizations outside of the applicant organization, including, but not limited to, blended learning policy and research entities, academic institutions, educational technology experts, community organizations, and local employers.

~~(7) The name and address of each school included in the application. the school.~~

(8) A description of specific statutes for which the applicant ~~requests~~ *is requesting* a waiver in accordance with ~~Section 52284~~ and Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, if any. The waiver request shall include a description of the educational benefit to be achieved as a result of the waiver and any alternative conditions, procedures, or

1 requirements that may be applied as an alternative to the statutes  
2 proposed to be waived.

3 52283. The state board shall select ~~up to 20 applicants~~ *no fewer*  
4 *than 20 and no more than 30 schools* to participate in the pilot  
5 program. In evaluating and selecting pilot program participants,  
6 the state board shall consider all of the application criteria listed  
7 in Section 52282 and all of the following:

8 (a) The overall viability of the applicant's blended learning  
9 model and the applicant's likelihood to successfully achieve desired  
10 outcomes for the pupils enrolled in the pilot program.

11 (b) The degree to which the applicant can demonstrate early  
12 success with employing innovation in the field of blended learning.

13 (c) The degree of rigor and reasonableness of the goals and  
14 outcomes the applicant has defined for the pilot program.

15 (d) The degree to which the total selected participant pool  
16 reflects a range of blended learning models and structures of service  
17 delivery.

18 (e) *If the applicant is a charter school or charter school*  
19 *management organization, recommendations of the charter*  
20 *school's chartering authority.*

21 (f) *The degree to which the proposal establishes clear*  
22 *expectations for sufficient pupil contact with, and access to,*  
23 *certificated teachers.*

24 52284. (a) The state board may amend a waiver request  
25 submitted by an applicant pursuant to Section 52282, consider  
26 alternative waivers, or impose additional terms on an applicant as  
27 a condition of a waiver receipt at the state board's discretion.  
28 Nothing in this chapter shall require the state board to approve a  
29 waiver requested by an applicant. *An approved waiver shall apply*  
30 *only to the school selected to participate in the pilot program, and*  
31 *only for the duration of the pilot program.*

32 (b) An applicant for the pilot program shall be deemed a school  
33 district for the purposes of requesting and receiving waivers  
34 authorized pursuant to Article 3 (commencing with Section 33050)  
35 of Chapter 1 of Part 20 of Division 2. Applicants for the pilot  
36 program may request, and the state board may approve, waivers  
37 subject to any alternative oversight or conditions determined by  
38 the state board. An approved waiver shall further the intent of the  
39 pilot program to offer greater flexibility to further innovation and

1 pupil achievement in blended learning programs and may include,  
2 but not be limited to, waivers that achieve any of the following:

3 (1) Recognize and offer flexibility on existing operational  
4 barriers that constrain innovation in blended learning programs.

5 (2) Allow alternative class structures and instructional delivery  
6 models.

7 (3) Support structures that promote individualized instruction  
8 in a blended learning online and schoolsite environment.

9 ~~(e) A charter school participating in the pilot program shall be~~  
10 ~~exempt from the funding determination process and~~  
11 ~~classroom-based instruction criteria established in subdivisions~~  
12 ~~(d) and (e) of Section 47612.5, Section 47634.2, and any~~  
13 ~~implementing regulations.~~

14 ~~(d)~~

15 (c) A charter school ~~participating~~ or charter school management  
16 organization applying for participation in the pilot program shall  
17 notify its authorizing entity of its participation in the pilot program  
18 submit a copy of its application to the governing board of its  
19 chartering authority for its review and recommendations, and shall  
20 provide the ~~authorizing entity~~ chartering authority a copy of any  
21 waiver that is approved as a result of participation. Participation  
22 in the pilot program and approval of an associated waiver shall  
23 not be considered a material revision to the charter school's  
24 charter.

25 (d) Notwithstanding any waiver approved by the state board, a  
26 school shall maintain an average teacher-to-pupil ratio in each  
27 year participating in the pilot program that is no less than the  
28 teacher-to-pupil ratio at the school in the 2013–14 school year.

29 52285. The state board may terminate the participation of a  
30 participant in the pilot program, and any associated waivers, for  
31 good cause, as determined by the state board at a public meeting  
32 at any time.

33 52286. (a) At the end of each school year, a school  
34 participating in the pilot program shall submit a report to the state  
35 board on its progress and outcomes in accordance with format and  
36 content requirements and timeline as determined by the state board.

37 (b) The Superintendent shall contract with an educational  
38 research organization to study the pilot program to determine its  
39 effect on pupil achievement, to make recommendations regarding  
40 whether or not state policy should further enable blended learning

1 *programs, and to identify statutory changes, if any, that may be*  
2 *needed to improve blended learning programs. The Superintendent*  
3 *shall report the results of the study to the state board no later than*  
4 *September 28, 2017.*

5 ~~(b)~~

6 (c) (1) No later than December 31, 2018, the state board shall  
7 submit a report to the Legislature on the results of the pilot  
8 program, including recommendations on whether to continue any  
9 of the waivers for the schools that participated in the pilot program  
10 and whether any other changes in the law are supported as a result  
11 of the outcomes achieved in the participating schools.

12 (2) A report submitted pursuant to paragraph (1) shall be  
13 submitted in compliance with Section 9795 of the Government  
14 Code.

15 52287. This chapter shall remain in effect only until January  
16 1, 2019, and as of that date is repealed, unless a later enacted  
17 statute, that is enacted before January 1, 2019, deletes or extends  
18 that date.